

**UNITED STATES DISTRICT COURT  
DISTRICT OF PUERTO RICO**

In re:

THE FINANCIAL OVERSIGHT AND  
MANAGEMENT BOARD FOR PUERTO RICO,

as representative of

THE COMMONWEALTH OF PUERTO RICO, *et al.*,

Debtors.<sup>1</sup>

PROMESA

Title III

No. 17 BK 3283-LTS

(Jointly Administered)

Re: ECF No. 20190-1

**DEBTORS' INFORMATIVE MOTION REGARDING LIFT STAY  
NOTICES FOR THE PERIOD JULY 13, 2022 THROUGH SEPTEMBER 9, 2022**

To the Honorable United States District Court Judge Laura Taylor Swain:

The Commonwealth of Puerto Rico (the “Commonwealth”), the Puerto Rico Sales Tax Financing Corporation (“COFINA”), the Puerto Rico Highways and Transportation Authority (“HTA”), the Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”), the Puerto Rico Electric Power Authority (“PREPA”) and the Puerto Rico Public Buildings Authority (“PBA” and together with the Commonwealth, COFINA, HTA, ERS, and PREPA, the “Debtors”), as Title III debtors, by and through the Financial Oversight and Management Board for Puerto Rico (the “Oversight Board”), as the Debtors’ representative

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<sup>1</sup> The Debtors in these Title III Cases, along with each Debtor’s respective Title III case number and the last four (4) digits of each Debtor’s federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283- LTS) (Last Four Digits of Federal Tax ID: 3481); (ii) Puerto Rico Sales Tax Financing Corporation (“COFINA”) (Bankruptcy Case No. 17-BK-3284-LTS) (Last Four Digits of Federal Tax ID: 8474); (iii) Puerto Rico Highways and Transportation Authority (“HTA”) (Bankruptcy Case No. 17-BK-3567-LTS) (Last Four Digits of Federal Tax ID: 3808); (iv) Employees Retirement System of the Government of the Commonwealth of Puerto Rico (“ERS”) (Bankruptcy Case No. 17-BK-3566-LTS) (Last Four Digits of Federal Tax ID: 9686); (v) Puerto Rico Electric Power Authority (“PREPA”) (Bankruptcy Case No. 17- BK-4780-LTS) (Last Four Digits of Federal Tax ID: 3747); and (vi) Puerto Rico Public Buildings Authority (“PBA”) (Bankruptcy Case No. 19-BK-5523-LTS) (Last Four Digits of Federal Tax ID: 3801) (Title III case numbers are listed as Bankruptcy Case numbers due to software limitations).

pursuant to section 315(b) of the *Puerto Rico Oversight, Management, and Economic Stability Act* (“PROMESA”),<sup>2</sup> respectfully submits this informative motion (the “Motion”), in accordance with Paragraph III.Q of the Case Management Procedures (as defined below), informing the United States District Court for the District of Puerto Rico (the “Court”) of the status of Lift Stay Notices (as defined below) received for the period from July 13, 2022 through September 9, 2022.

### **Background**

1. On June 2, 2017, the Court entered an order approving certain notice, case management, and administrative procedures for the Title III cases [ECF No. 249] (as amended, the “Case Management Procedures”), which was subsequently amended on June 6, 2017 to make certain non-substantive clarifications and amendments [ECF No. 262].

2. On August 17, 2017, the Court entered an order further amending the Case Management Procedures to, among other things, implement a protocol (the “Lift Stay Protocol”) for filing motions for relief from automatic stay set forth in 11 U.S.C. §§ 362(a) and 922(a) (the “Title III Stay”) [ECF No. 1065]. Under the Lift Stay Protocol, a movant is required to (a) send notice (a “Lift Stay Notice”) to counsel to the Oversight Board and AAFAF to advise them of the movant’s intent to seek relief from the Title III Stay at least fifteen (15) business days prior to filing a motion seeking such relief (the “Lift Stay Notice Period”) and (b) meet and confer with the Debtors during the Lift Stay Notice Period.

3. On September 13, 2017, the Debtors filed a motion to amend the Case Management Procedures [ECF No. 1299] to allow the Debtors (a) to enter into stipulations modifying or lifting the Title III Stay under Paragraph III.Q of the Case Management Procedures without further order of the Court and (b) in their discretion, to modify or lift the Title III Stay with respect to any

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<sup>2</sup> PROMESA is codified at 48 U.S.C. §§ 2101-2241.

prepetition ordinary course civil action against a Debtor without the filing of a Lift Stay Notice and further order of the Court.

4. On October 24, 2017, the Court approved the Third Amended Notice, Case Management and Administrative Procedures [ECF No. 1512-1], which implemented the Debtors' requested changes to the Lift Stay Protocol and requires the Debtors to file an omnibus lift stay motion every 60 days, identifying each modification to the Title III Stay agreed to by the Debtors during the relevant period and seeking retroactive Court approval of such modifications *nunc pro tunc* to the relevant modification date.

5. The Court entered the following orders approving stipulations modifying the Title III Stay *nunc pro tunc* to the dates specified therein:

| Description                                 | ECF No. | Date       |
|---|---------|------------|
| 1 <sup>st</sup> Omnibus Order               | 2191    | 12/28/17   |
| 2 <sup>nd</sup> Omnibus Order               | 2565    | 2/21/2018  |
| 3 <sup>rd</sup> Omnibus Order               | 2945    | 4/23/2018  |
| Supplement to 3 <sup>rd</sup> Omnibus Order | 2988    | 5/1/2018   |
| 4 <sup>th</sup> Omnibus Order               | 3326    | 6/10/2018  |
| 5 <sup>th</sup> Omnibus Order               | 3795    | 8/21/2018  |
| Supplement to 5 <sup>th</sup> Omnibus Order | 3940    | 9/17/2018  |
| 6 <sup>th</sup> Omnibus Order               | 4201    | 11/9/2018  |
| 7 <sup>th</sup> Omnibus Order               | 4550    | 12/21/2018 |
| 8 <sup>th</sup> Omnibus Order               | 5146    | 2/15/2019  |
| 9 <sup>th</sup> Omnibus Order               | 6448    | 4/22/2019  |
| 10 <sup>th</sup> Omnibus Order              | 7502    | 6/18/2019  |
| 11 <sup>th</sup> Omnibus Order              | 8499    | 8/19/2019  |
| 12 <sup>th</sup> Omnibus Order              | 8877    | 10/16/2019 |
| 13 <sup>th</sup> Omnibus Order              | 9595    | 12/16/2019 |
| 14 <sup>th</sup> Omnibus Order              | 10957   | 2/13/2020  |
| 15 <sup>th</sup> Omnibus Order              | 12838   | 4/16/2020  |
| 16 <sup>th</sup> Omnibus Order              | 13404   | 6/11/2020  |
| 17 <sup>th</sup> Omnibus Order              | 14010   | 8/11/2020  |

| Description                    | ECF No. | Date       |
|--------------------------------|---------|------------|
| 18 <sup>th</sup> Omnibus Order | 14496   | 10/7/2020  |
| 19 <sup>th</sup> Omnibus Order | 15362   | 12/7/2020  |
| 20 <sup>th</sup> Omnibus Order | 15784   | 2/1/2021   |
| 21 <sup>st</sup> Omnibus Order | 16281   | 4/1/2021   |
| 22 <sup>nd</sup> Omnibus Order | 16856   | 6/1/2021   |
| 23 <sup>rd</sup> Omnibus Order | 18372   | 10/4/2021  |
| 24 <sup>th</sup> Omnibus Order | 19371   | 11/29/2021 |
| 25 <sup>th</sup> Omnibus Order | 19902   | 1/26/2022  |
| 26 <sup>th</sup> Omnibus Order | 20454   | 3/28/2022  |
| 27 <sup>th</sup> Omnibus Order | 20940   | 5/23/2022  |

6. The following informative motions were filed informing the Court that no approval of any stipulation modifying or lifting the Title III Stay was being sought for the applicable period:

| ECF No. | Filing Date | Period                |
|---------|-------------|-----------------------|
| 17433   | 7/20/2021   | 5/22/2021 – 7/20/2022 |
| 21483   | 7/12/2022   | 5/14/2022 – 7/12/2022 |

**Status of Lift Stay Notices Received for the Period July 12, 2022 to September 9, 2022**

7. Since implementing the Lift Stay Protocol on August 17, 2017, the Debtors have received over 368 Lift Stay Notices seeking relief from the Title III Stay to prosecute various prepetition actions. With respect to the Lift Stay Notices received for the period from July 12, 2022 to September 9, 2022, the Debtors and their advisors, in consultation with the Oversight Board, continue to carefully review and analyze such requests and seek a consensual resolution, if possible. Accordingly, for the period from July 12, 2022 to September 9, 2022, the Debtors are not seeking approval of any stipulation modifying or lifting the Title III Stay. The Debtors will file an omnibus lift stay motion, or otherwise an informative motion, in connection with the 60-day period beginning September 10, 2022 in accordance with the Lift Stay Protocol.

**WHEREFORE**, the Debtors respectfully request that the Court take notice of the foregoing.

Dated: September 9, 2022  
San Juan, Puerto Rico

Respectfully submitted,

/s/ Ehud Barak

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